

Message Text

LIMITED OFFICIAL USE

PAGE 01 OTTAWA 03985 120910Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
/066 W
-----074764 130830Z /15
R 112016Z AUG 78
FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC 8343
ALL CONSULATES IN CANADA (POUCH)

LIMITED OFFICIAL USE OTTAWA 03985

E.O. 11652: NA
TAGS: PINT, PGOV, CA
SUBJECT: PREMIERS UNITE AGAINST TRUDEAU'S CONSTITUTIONAL
REFORM PROPOSALS

REF: OTTAWA 3966, 3714

1.SUMMARY:CANADA'S TEN PROVINCIAL PREMIERS HAVE ISSUED
COMMUNIQUE REJECTING TIMING, TACTICS AND SUBSTANCE OF
TRUDEAU'S CONSTITUTIONAL REFORM PROPOSALS. THEY WARN
AGAINST FEDERAL GOVERNMENT PROCEEDING UNILATERALLY WITH
STRUCTURAL CHANGES. PREMIERS SEE DIVISION OF POWERS
QUESTION AS KEY TO CONSTITUTIONAL REFORM, AND URGE
STRENGTHENED PROVINCIAL AUTHORITY IN MANY AREAS. COMMUNI-
QUE INDICATES QUEBEC AGREED WITH MOST POINTS RAISED AND
FELT THEY ILLUSTRATED "MINIMAL CHANGES" REQUIRED TO MAKE
FEDERAL SYSTEM A "SERIOUS ALTERNATIVE" FOR QUEBEC. END
SUMMARY.

2. CANADA'S TEN PROVINCIAL PREMIERS, CONCLUDING ANNUAL
CONFERENCE IN REGINA, TOOK UNITED STAND AGAINST PRIME
MINISTER TRUDEAU'S APPROACH TO CONSTITUTIONAL REFORM.
PREMIERS ISSUED COMMUNIQUE AUGUST 10 CRITICIZING AS "UN-
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OTTAWA 03985 120910Z

WORKABLE" TRUDEAU'S PROPOSED TRANSFORMATION OF SENATE
INTO "HOUSE OF FEDERATION," AND OPPOSING PLAN TO SUBSTI-
TUTE GOVERNOR-GENERAL FOR QUEEN'S ULTIMATE AUTHORITY.
THEY ENDORSED NEED FOR CONSTITUTIONAL CHANGES, BUT ARGUED
THAT TRUDEAU'S DRAFT BILL WAS ONLY ONE OF MANY PROPOSALS
MERITING CONSIDERATION. IN PARTICULAR, PREMIERS REFERRED
TO CONSENSUS THEY REACHED IN 1976 AS "USEFUL STARTING

POINT" FOR DISCUSSIONS.

3. COMMUNIQUE SAW DIVISION OF POWERS BETWEEN FEDERAL GOVERNMENT AND PROVINCES AS "MAJOR SOURCE OF FRICTION" AND KEY ISSUE OF CONSTITUTIONAL REFORM WHICH SHOULD BE ADDRESSED IN CONJUNCTION WITH OTHER MATTERS. STATEMENT URGED THAT AGENDA FOR CONSTITUTIONAL CONFERENCE BE DRAWN UP JOINTLY BY FEDERAL GOVERNMENT AND PROVINCES, WARNED AGAINST IMPOSING "ARBITRARY DEADLINES," AND QUESTIONED LEGAL AUTHORITY OF FEDERAL GOVERNMENT TO PROCEED UNILATERALLY WITH PROPOSED CHANGES TO SENATE AND ROLE OF MONARCHY. "IN ANY EVENT," COMMUNIQUE CAUTIONED, "IT WOULD CLEARLY BE WRONG FOR THEM TO UNDERTAKE UNILATERAL ACTION...WITHOUT PROVINCIAL SUPPORT."

4. PREMIERS "INVITED" FEDERAL VIEWS ON BROAD RANGE OF SUBSTANTIVE MATTERS INCLUDING: "ABOLITION OF THE NOW-OBSOLETE FEDERAL POWERS" TO RESERVE OR DISALLOW PROVINCIAL LEGISLATION, "CLEAR LIMITATION ON FEDERAL POWER TO IMPLEMENT TREATIES" (SO IT CANNOT "INVADE" AREAS OF PROVINCIAL JURISDICTION), ESTABLISHMENT OF AN "APPROPRIATE" PROVINCIAL JURISDICTION ON FISHERIES, "STRENGTHENING" PROVINCIAL POWERS ON NATURAL RESOURCES, AND PROVIDING FOR APPROPRIATE PROVINCIAL INVOLVEMENT IN SUPREME COURT APPOINTMENTS.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 OTTAWA 03985 120910Z

5. RENE LEVESQUE JOINED IN SIGNING COMMUNIQUE, WHICH INCLUDED PROVISIO THAT QUEBEC, "WHILE COMMITTED TO ITS OPTION OF SOVEREIGNTY-ASSOCIATION...COULD GENERALLY GO ALONG WITH THE 1976 CONSENSUS AND MOST OF THE OTHER CONSTITUTIONAL POINTS RAISED IN REGINA. QUEBEC WENT ON TO STATE THAT THIS APPROACH FALLS WITHIN THE MANDATE OF THE QUEBEC GOVERNMENT TO REINFORCE PROVINCIAL RIGHTS WITHIN THE PRESENT SYSTEM, AND ALSO ILLUSTRATES SOME OF THE MINIMAL CHANGES REQUIRED TO MAKE THE FEDERAL SYSTEM A SERIOUS ALTERNATIVE IN THE FORTHCOMING QUEBEC REFERENDUM."

6. COMMENT: PREMIERS' REJECTION OF TIMING, TACTICS AND SUBSTANCE OF PRIME MINISTER'S CONSTITUTIONAL PROPOSALS COULD HARDLY HAVE BEEN MORE SWEEPING. THEIR INSISTANCE ON "COMPREHENSIVE APPROACH" CHALLENGES OTTAWA'S PROJECTION OF TWO-PHASE PROCESS WHICH WOULD FIRST DISPOSE OF MATTERS (INCLUDING CHANGES IN SUPREME COURT, SENATE AND FEDERAL EXECUTIVE) "UPON WHICH PARLIAMENT CAN LEGISLATE ON ITS OWN AUTHORITY," LEAVING FOR SUBSEQUENT RESOLUTION "THOSE MATTERS WHOSE AMENDMENT REQUIRES THE COOPERATION OF FEDERAL AND PROVINCIAL AUTHORITIES." THOUGH NO ONE DISPUTES DESIRABILITY OF CONSTITUTIONAL REFORM, GULF BETWEEN

OTTAWA AND PROVINCIAL PERCEPTIONS IS EVIDENT IN CONTRAST
BETWEEN PREMIERS' SHOPPING LIST SAMPLED ABOVE AND PRIME
MINISTER'S STATED INITIAL PREMISE THAT "CANADA IS ALREADY
A VERY DECENTRALIZED FEDERATION SO THE SOLUTION WILL NOT
LIE IN A MASSIVE SHIFT OF POWERS FROM THE FEDERAL GOVERN-
MENT TO THE PROVINCES...BUT A JUDICIOUS COMBINATION
OF CHANGES, WITH SOME GIVE-AND-TAKE BETWEEN GOVERNMENTS."
ENDERS

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTITUTIONAL AMENDMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 11 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978OTTAWA03985
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780331-0263
Format: TEL
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780874/aaaacjnm.tel
Line Count: 124
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: bed0f264-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1768315
Secure: OPEN
Status: NATIVE
Subject: PREMIERS UNITE AGAINST TRUDEAU'S CONSTITUTIONAL
TAGS: PINT, PGOV, CA
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/bed0f264-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014